Government of Kerala
1975

Reg. No. KL/TV/23.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XX] Trivandrum, Monday, 8th September 1975 / 17th Bhadra 1897 [No. 529

GOVERNMENT OF KERALA

Public Works (Transport-B) Department

DECLARATION

No. 35499/TB2/75/PW. *Dated, Trivandrum, 6th September 1975.*

Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution, the President has, in his Notification No. 2/4/63/Judl. II dated 31-5-1963 entrusted the Government of Kerala with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962) in relation to acquisition of land for the purpose of the Union in this State;

And whereas under sub-section (4) of Section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case, the provisions of section 5 of the Act shall not apply to the lands specified in the Schedule below;

And whereas the Government are satisfied that the said lands have to be acquired for a public purpose;

The Government of Kerala hereby declare under section 6 of the Act that the lands specified in the schedule below and measuring 04.17 ares be the same a little more or less, is needed for a public purpose, to wit, for the construction of Meter Gauge Railway line into Broad Gauge line from Ernakulam to Trivandrum in West Kallada Village (Bridge No. 31-B & 32) and under Section 7 of the Act direct the Tahsildar, Kunnathur to take order for the acquisition of the lands. Further, under sub-section (1) of section 19 of the Act, the Government direct that the Collector may take possession of the lands on the expiry of fifteen days from the date of publication of the notice mentioned in sub-section (1) of Section 9 of the Act.

A plan of the land is kept in the office of the Tahsildar, Kunnathur and may be inspected at any time during office hours.

ഭരണഘടന 258-ാം വകുപ്പ് (1)-ാം ഖണ്ഡത്താൽ നൽകപ്പെട്ട അധികാരം വിനിയോഗിച്ച് രാഷ്ട്രപതി യൂണിയന്റെ ആവശ്യത്തിനായി ഈ സംസ്ഥാനത്ത് ഭൂമി വിലയ്ക്കെടുക്കുന്നതു സംബന്ധിച്ചിടത്തോളം 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) പ്രകാരം കേന്ദ്ര ഗവൺമെന്റിന്റെ പ്രവൃത്തികൾ തന്റെ 31-5-1963-ാം തീയതിയിലെ 2/4/63/Judl. II-ാം നമ്പർ പരസ്യ പ്രകാരം കേരള ഗവൺമെന്റിനെ, ആ ഗവൺമെന്റിന്റെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കയാലും;

പ്രസ്തുത ആക്റ്റ് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം കേരള ഗവൺമെന്റ് പ്രസ്തുത സംഗതിയുടെ അടിയന്തിരസ്ഥിതി പരിഗണിച്ച് ആക്റ്റ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമിക്ക് ബാധകമല്ലെന്ന് നിർദ്ദേശിക്കയാലും;

പ്രസ്തുത ഭൂമി ഒരു പൊതുകാര്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് ഗവൺമെന്റിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും;

കേരള ഗവൺമെന്റ് താഴെ കാണുന്ന പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും 04.17 ആർസ് വിസ്തീർണ്ണമുള്ളതുമായ ഭൂമി അത് അത്രതന്നെയോ അതിൽ അൽപ്പം കുറവോ കൂടുതലോ ആയിരുന്നാലും വേണ്ടതില്ല, ഒരു പൊതുകാര്യത്തിന് അതായത് എറണാകുളം മുതൽ തിരുവനന്തപുരംവരെ നിലവിലുള്ള മീറ്റർഗേജ് മാറ്റി ഒരു ബ്രോഡ്ഗേജ് റെയിൽവെ ലൈൻ ബ്രിഡ്ജ് (31 B & 32) നിർമ്മിക്കുന്നതിന് ആവശ്യമാണെന്ന് ആക്റ്റ് 6—ാം വകുപ്പുപ്രകാരം ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, ആ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിപ്പാൻ ആക്റ്റ് 7—ാം വകുപ്പുപ്രകാരം കുന്നത്തൂർ താസിൽദാർ എന്ന ആളോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു. ആക്റ്റ് 9—ാം വകുപ്പ് (1)—ാം ഉപവകുപ്പിൽ പറഞ്ഞിരിക്കുന്ന നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ പതിനഞ്ചു ദിവസം കഴിഞ്ഞാൽ കളക്ടർക്ക് ആ ഭൂമി കൈവശപ്പെടുത്താവുന്നതാണെന്നും കൂടി ആക്റ്റ് 19-ാം വകുപ്പ് 1-ാം ഉപവകുപ്പു പ്രകാരം ഗവൺമെന്റ് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ കുന്നത്തൂർ താസിൽദാർ എന്ന ആളുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുണ്ട്. ആഫീസ് സമയത്ത് എപ്പോഴെങ്കിലും അത് പരിശോധിക്കുകയും ചെയ്യാം.

SCHEDULE

District—Quilon. Taluk—Kunnathur.

Village—West Kallada.

(The extent given is approximate)

Sl. No.	*Sy. No.*	*Description*	*Extent in ares*
1	5236/3	Dry.	00.56
2	5237/5	,,	01.52
3	5237/6	,,	01.20
4	5240/4	,,	00.89
		Total	04.17

By order of the Governor,

T. S. RAMAKRISHNAN,

Joint Secretary to Government.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1975.

Government of Kerala
1975

Reg. No. EL[IV]12.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XX] **Trivandrum, Monday,** **8th September 1975 / 17th Bhadra 1897** **[No. 528**

GOVERNMENT OF KERALA

Law [Leg. (B)] Department

NOTIFICATION

No. 12551/Leg. (B1)/75/Law.

Dated, Trivandrum, 8th September, 1975/
17th Bhadra, 1897.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 7th day of September, 1975.

By order of the Governor,
M. SEKHARAN,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1975.

ACT 28 OF 1975

THE KERALA FOREST (AMENDMENT) ACT, 1975

An Act further to amend the Kerala Forest Act, 1961.

Preamble.—WHEREAS it is expedient further to amend the Kerala Forest Act, 1961, for the purposes hereinafter appearing;

BE it enacted in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Forest (Amendment) Act, 1975.

2. *Amendment of section 52.*—In section 52 of the Kerala Forest Act, 1961 (4 of 1962) (hereinafter referred to as the principal Act), in the *Explanation* to sub-section (1), for the words and figures "section 53 and section 55", the words, figures and letters "section 53, section 55, section 61A and section 61B" shall be substituted.

3. *Insertion of new sections 61A to 61F.*—After section 61 of the principal Act, the following sections shall be inserted, namely:—

"61A. *Confiscation by Forest Officers in certain cases.*—(1) Notwithstanding anything contained in the foregoing provisions of this Chapter, where a forest offence is believed to have been committed in respect of timber, charcoal, firewood or ivory which is the property of the Government, the officer seizing the property under sub-section (1) of section 52 shall, without any unreasonable delay, produce it, together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence, before an officer authorised by the Government in this behalf by notification in the Gazette, not being below the rank of an Assistant Conservator of Forests (hereinafter referred to as the authorised officer).

(2) Where an authorised officer seizes under sub-section (1) of section 52 any timber, charcoal, firewood or ivory which is the property of the Government, or where any such property is produced before an authorised officer under sub-section (1) of this section and he is satisfied that a forest offence has been committed in respect of such property, such authorised officer may, whether or not a prosecution is instituted for the commission of such

forest offence, order confiscation of the property so seized together with all tools, ropes, chains, boats, vehicles and cattle used in committing such offence.

61B. *Issue of show cause notice before confiscation under section 61A.*—(1) No order confiscating any timber, charcoal, firewood, ivory, tools, ropes, chains, boats, vehicles or cattle shall be made under section 61A unless the person from whom the same is seized—

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate such timber, charcoal, firewood, ivory, tools, ropes, chains, boats, vehicles or cattle;

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

(c) is given a reasonable opportunity of being heard in the matter.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any tool, rope, chain, boat, vehicle or cattle shall be made under section 61A if the owner of the tool, rope, chain, boat, vehicle or cattle proves to the satisfaction of the authorised officer that it was used in carrying the timber, charcoal, firewood or ivory without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the tool, rope, chain, boat, vehicle or cattle and that each of them had taken all reasonable and necessary precautions against such use.

61C. *Revision.*—Any Forest Officer not below the rank of Conservator of Forests authorised by the Government in this behalf by notification in the Gazette may, before the expiry of thirty days from the date of the order of the authorised officer under section 61A, *suo motu* call for and examine the record of that order and may make such inquiry or cause such inquiry to be made and may pass such order as he deems fit:

Provided that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

61D. *Appeal.*—(1) Any person aggrieved by any order passed under section 61A or section 61C may, within thirty days from the date of communication to him of such order, appeal to the District Judge having jurisdiction over the area in which the property to which the order relates has been seized and the District Judge shall, after giving an opportunity to the appellant

to be heard, pass such order as he may think fit confirming, modifying or annulling the order appealed against.

(2) An order of the District Judge under sub-section (1) shall be final.

61E. *Award of confiscation not to interfere with other punishments.*—The award of any confiscation under section 61A or section 61C shall not prevent the infliction of any punishment to which the person affected thereby is liable under this Act.

61F. *Property confiscated when to vest in Government.*—When an order for confiscation of any property has been passed under section 61A or section 61C and such order has become final in respect of the whole or any portion of such property, such property or portion thereof, as the case may be, shall vest in the Government free from all encumbrances.".

4. *Repeal and saving.*—(1) The Kerala Forest (Amendment) Ordinance, 1975 (5 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 21st day of June, 1975.

Government of Kerala
1975

Reg. No. KL/TV/12.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XX] Trivandrum, Monday, 8th September 1975 / 17th Bhadra 1897 [No. 525

GOVERNMENT OF KERALA

Labour (B) Department

NOTIFICATIONS

I

G. O. Rt. No. 995/75/LBR. *Dated, Trivandrum, 8th September 1975.*

S. R. O. No. 788/75.—In exercise of the powers conferred by sub-section (1) of section 6 of the Kerala Toddy Workers Welfare Fund Act, 1969 (22 of 1969), read with paragraph 3 of the Kerala Toddy Workers Welfare Fund Scheme, 1969, the Government of Kerala hereby make the following amendments to the notification issued under G. O. Rt. No. 436/73/LBR dated 6th April, 1973 and published as S. R. O. No. 243/73 in the Kerala Gazette No. 15 dated 10th April, 1973 as subsequently amended, namely:—

AMENDMENTS

In the Schedule to the said Notification (i) For entry under the heading "Officials nominated by the Government" the following entry shall be substituted, namely:—

"(i) Secretary to Government of Kerala, Labour Department".

(ii) For the last sentence "Joint Secretary to Government of Kerala, Labour Department will be the Chairman of the Board" the following shall be substituted, namely:—

"Secretary to Government of Kerala, Labour Department will be the Chairman of the Board".

By order of the Governor,

C. T. JOSEPH,
Joint Secretary.

Explanatory Note

(This does not form part of the amendment but is intended to indicate the general purport).

Government have decided to appoint the Secretary to Government, Labour Department as Director as well as Chairman of the Toddy Workers Welfare Fund Board. The Notification is intended to give effect to the above decision of the Government.

II

G. O. Rt. No. 995/75/LBR. *Dated, Trivandrum, 8th September 1975.*

S. R. O. No. 789/75.—In exercise of the powers conferred by sub-section (5) of section 6 of the Kerala Toddy Workers Welfare Fund Act, 1969 (22 of 1969), the Government of Kerala hereby make the following amendments to the notification issued under G. O. Rt. No. 451/73/LBR dated 9th April, 1973 and published as S. R. O. No. 279/73 in Kerala Gazette No. 19 dated, 8th May, 1973, as subsequently amended namely:—

AMENDMENTS

In the said Notification, under the heading "Name and Designation of Officials nominated by the Government"

(i) For entry "1. Shri R. C. Choudhury, Joint Secretary to Government of Kerala, Labour Department" the following entry shall be substituted, namely:—

"1. Shri U. Mahabala Rao . Secretary to Government of Kerala, Labour Department.".

(ii) For entry "7. Shri A. K. Sivasankaran, Chief Welfare Fund Inspector" the following entry shall be substituted, namely:—

"7. Shri A. T. Alexander, Chief Welfare Fund Inspector".

By order of the Governor,

C. T. JOSEPH,
Joint Secretary.

Explanatory Note

(This does not form part of the amendment but is intended to indicate the general purport).

Government have decided that the Secretary to Government, Labour Department shall be Director and Chairman of the Toddy Workers Welfare Fund Board. Shri A. K. Sivasankaran, Chief Welfare Fund Inspector has proceeded on leave and Shri A. T. Alexander has been posted instead. The names of Directors have to be published as required under sub-section (5) of section 6 of the Toddy Workers Welfare Fund Act, 1969. Hence the Notification.

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TRIVANDRUM, 1975.

Reg. No. KL/TV/12.

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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

ol. XX] Trivandrum, Monday, 8th September 1975 / 17th Bhadra 1897 [No. 526

GOVERNMENT OF KERALA

Labour (B) Department

NOTIFICATION

G.O. Rt. No. 996|75|LBR.

Dated, Trivandrum, 8th September 1975.

S. R. O. No. 790|75.—Under sub-section (1) of section 7 of the Kerala Toddy Worker's Welfare Fund Act, 1969 (22 of 1969), read with paragraph 25 of the Kerala Toddy Worker's Welfare Fund Scheme, 1969, and in supersession of the notification issued under G.O. Rt. No. 157|74|LBR dated 23-2-1974, the Government of Kerala hereby appoint Shri A. T. Alexander, Deputy Labour Commissioner, Trivandrum to be the Chief Welfare Fund Inspector for the purposes of the said Act, and the scheme.

By order of the Governor,

C. T. JOSEPH,

Joint Secretary.

33|3152|MC.

Explanatory Note

(This does not form part of the notification but is intended to indicate the general purport).

Shri A. K. Sivasankaran the former Chief Welfare Fund Inspector has proceeded on leave and Government have decided to appoint. Shri A. T. Alexander to be the Chief Welfare Fund Inspector. The notification is intended to achieve the above purpose.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1975.